

REMARKS

On patent 2 of the Office Action, the Examiner objected to the dependency of claim 31. Accordingly, the dependency of claim 31 has been corrected.

On pages 3-5 of the Office Action, the Examiner rejected claims 1-4, 6-14, and 17 under 35 U.S.C. §102(e) as being anticipated by the Fawcett patent. (On pages 5 and 6 of the Office Action, the Examiner also rejected dependent claim 14 under 35 U.S.C. §103(a) as being unpatentable over the Fawcett patent in view of the Slotznick patent.)

The Fawcett patent discloses in Figure 2 a user's computer 34 connected by a communication link 36 to an update service center 38. The update service center 38 consists of computers 40, a database 42, and an update server 46. After the computer 34 establishes two-way communications with the update service center 38, an inventory of computer software on the computer 34 is completed without interaction from the user, and the inventory is sent to the update service center 38. The update service center 38 compares the inventory to entries in the database 42. Based on this comparison, the update service center 38 sends a summary of available

computer software to the computer 34. The summary is displayed for the user.

The summary contains information such as the availability of patches and fixes for existing computer software, new versions of existing computer software, and brand new computer software, new help files, etc. The user is then able to make one or more choices from the summary of available computer software, and have the computer software transferred from the update service computer to the user computer.

As is shown in Figure 3 of the Fawcett patent, a service update application (SUA) 48 at the update service center 38 communicates with a user update application (UUA) 50 on the computer 34 when the user initiates communication between the computer 34 and the update service center 38. The user update application 50 initiates, establishes and terminates two-way communication with the service update application 48, and the service update application 48 initiates, establishes and terminates two-way communication with the user update application 50.

To access the update service center 38, a user starts the user update application (UUA) 50 on the computer 34 to begin the access process. The user update

application 50 establishes a two-way communication link 36 with the update service center 38. In response, the update service center 38 starts the service update application (SUA) 48. The service update application 48 then establishes a two-way communication link to the user update application 50. This process is shown by the dashed lines 52 in Figure 3.

After establishing a two-way communication link, the service update application 48 conducts an automatic inventory (i.e., without input from the user) of the computer software on the computer 34. The service update application 48 compares the inventory to data stored in the database 42. The update service center 38 then creates a summary 54 described above and sends the summary 54 to the computer 34. The summary 54 is displayed to the user by the computer 34.

As shown by a block 56 in Figure 4A, the user initiates access to the update service center 38 by launching the user update application 50. When the user update application 50 starts at a block 58, the user is shown optional help information which instructs the user on how to establish a connection between the user computer and the update service computer. The actual connection configuration is completed by allowing the

user to choose the appropriate connection method at a block 60.

While the user update application 50 is making the desired connection, the update service center 38 launches the service update application 48 at a block 64. A two-way communications path at a block 66 is set up between the service update application 48 and the user update application 50. The service update application 48 then requests, at a block 68, the user update application 50 to conduct an automatic inventory of all computer software installed on the computer 34.

Once the inventory is complete, the user update application 50 at a block 70 sends the inventory to the service update application 48. The service update application 48 at a block 72 compares the inventory to entries in the database 42 to automatically analyze the computer software stored on the computer 34. Any computer software installed on the computer 34 which is out-of-date and/or requires a maintenance update is flagged at a block 74. If the computer 34 contains computer software unknown to the update service center 38, this computer software is marked as unknown. A summary report based on this analysis is sent back to the computer 45 at a block 76.

The user can select from among a plurality of options. These options include (i) checking for maintenance updates for the computer software installed on the computer 34, (ii) checking only specific computer software, (iii) checking whether there are any new or enhanced versions of computer software, (iv) checking only for new versions of specific computer software, (v) checking the update service center 38 for information on new computer software, and (vi) checking only if there are new help files or other new support data available.

The user update application 50 at a block 78 (Figure 4B) creates an output report based on the selected options and the summary report created by the service update application 48. If at a block 80 the output report is empty, the computer software on the computer 34 is current and up-to-date.

However, if the output report is not empty, a second optional report is created and displayed at a block 82 for the user. This second optional report provides a short description that summarizes the computer software available from the update service center 38. This second optional report is used by the user to determine what computer software on the user computer will be updated, if any. Then the user is asked at a

block 86 to choose which available computer software shown in the output report to download and install on the computer 34. If software is chosen by the user, the user update application 50 at a block 88 is instructed to make backup copies of the software on the computer 34 and to create a log documenting which software will be replaced. The backup copies and the log can be used by the user to restore the original version of the software on the computer 34 if needed.

If the list of software to be downloaded and installed is large, the user has the option at a block 90 to delay the update until a later time. If the user chooses an immediate download, the user is asked at a block 92 if the service update center 38 should also install the software after downloading. If immediate installation is chosen, the service update application 48 at a block 94 downloads and installs the software on the computer 34. If immediate installation is not chosen by the user, the user at a block 96 can save any update information and continue with other tasks before deciding when to install the software. If the user chooses a delayed update at the block 90, the user provides re-connect information at a block 98 that allows the update service center 38 to re-connect to the computer 34 at a

more convenient time and to complete the download and installation at that time.

This delayed download is illustrated in Figure 5. To complete the delayed download, the update service center 38 launches at a block 100 the service update application 48 to re-connect to the computer 34. The service update application 48 uses the information provided previously by the user at the block 98. If the connection is successful, the service update application 48 at a block 102 asks the computer 34 to launch the user update application 50 to re-establish a two-way communications path. Then, at a block 104, the user update application 50 creates a new directory on the computer 34, and the software is downloaded and stored at a block 106. When the download is complete, the update service center 38 terminates at a block 108 the connection to the computer 34.

Independent claim 1 is directed to a method performed at a content recipient comprising executing first program code at the content recipient so as to identify a content provider having posted content of interest to the content recipient, and executing second program code at the content recipient so as to automatically initiate a request for the posted content.

The Fawcett patent does not disclose the automatic initiation of a request for posted content or any other kind of content. The only automatic operation that is described in the Fawcett patent and that relates to material downloaded to the computer 34 is the acquisition of the inventory and the preparation of the summary covering software that is available to the user based on the inventory.

However, if the summary is the content according to the Examiner's rejection, then the request for the summary is initiated at the blocks 58 and 60 of Figure 4A when the user launches the user update application 50 and chooses the connection method by which the user's computer 34 is to connect with the update service center 38. This manual action by the user causes a connection to be made between the computer 34 and the update service center 38, which causes the service update application 48 to request an inventory from the user update application 50, which causes the service update application 48 to prepare and download the summary to the computer 34.

As can be seen, the computer 34 does not initiate these operations automatically, but only upon the manual selection of the update software that is used

to download the summary. Thus, the summary is not downloaded until the user manually initiates a request for the download of the summary.

By contrast, the user according to the invention of independent claim 1 is not required to manually initiate a request for the download of content from the content provider. Instead, the request is initiated automatically.

On the other hand, if the software revisions and updates are the content according to the Examiner's rejection, then there is a further manual step that must be taken by the user in order to request those software revisions and updates. That is, not only must the user manually initiate a request for the summary, but the user must also manually choose the software, off of an output report which the user update application 50 generates based on the summary, that the user wants to be downloaded, as can be seen by the block 85 of Figure 4B.

Accordingly, the request for the software revisions and updates is initiated manually instead of automatically as required by independent claim 1.

Accordingly, because the Fawcett patent does not disclose the automatic initiation of a request for

posted content, independent claim 1 is not anticipated by the Fawcett patent.

Independent claim 18 is directed to a computer readable storage medium that stores program code which, when executed by a computing device, automatically initiates a request for the download of content posted by a content provider, and receives the downloaded posted content in response to the request.

As discussed above, whether the Examiner interprets the summary or the software updates and revisions as content, the Fawcett patent fails to disclose the automatic initiation of a request for the download of the content.

Accordingly, independent claim 18 is not anticipated by the Fawcett patent.

Independent claim 32 is directed to a method comprising executing first program code at a content provider so as to post content for access by a content recipient, and executing second program code at the content recipient so as to automatically (i) access the content provider and (ii) initiate receipt by the content recipient of the posted content.

Again, whether the Examiner interprets the summary or the software updates and revisions as content,

the Fawcett patent fails to disclose the automatic initiation of a request for the download of the content.

Accordingly, independent claim 32 is not anticipated by the Fawcett patent.

Because independent claims 1, 18, and 32 are not anticipated by the Fawcett patent, dependent claims 2-4, 6-14, 17, 19-23, 26, 28-31, 33, 34, 36, 37, and 40-42 are likewise not anticipated by the Fawcett patent.

Moreover, dependent claims 2, 4, 6, and 8 recite that future requests for posted content are canceled without communicating such an intent with the content provider. This feature allows a content recipient to receive content anonymously from a content provider and to cancel future downloads of the content, again anonymously. The Fawcett patent does not disclose this feature of the claimed invention.

Accordingly, dependent claims 2, 4, 6, and 8 are not anticipated by the Fawcett patent.

Dependent claim 33 recites that future automatic access and initiation functions of the second program code are canceled without communicating such an intent with the content provider. This feature also allows a content recipient to access and initiate reception of content anonymously and to cancel future

access and initiation functions, again anonymously. The Fawcett patent does not disclose this feature of the claimed invention.

Accordingly, dependent claim 33 is not anticipated by the Fawcett patent.

Dependent claims 12, 20, and 26 provide that the content, when received, is displayed behind a session if the session is active. The Examiner points to the Summary of the Fawcett patent for a disclosure of displaying downloaded content behind an active session. However, the Summary does not disclose that any downloaded material is displayed behind an active session. Displaying downloaded content behind an active session means that the content can be brought to the focus of the user by a click of the mouse. There is no such disclosure in the Fawcett patent.

Accordingly, dependent claims 12, 20, and 36 are not anticipated by the Fawcett patent.

Dependent claims 13, 22, and 37 provide that a notice is given to the content recipient that posted content has been received, and that the notice is displayed even if a session is active. The Examiner points to the Summary of the Fawcett patent for a disclosure of providing notice that content has been

received and of displaying the notice even if a session is active. However, the Summary does not disclose that this notice is displayed even if a session is active. The user according to the Fawcett patent gets a summary report. There is no disclosure that the summary report is displayed above an active session.

The Examiner also points to column 11, lines 1-26 of the Fawcett patent for a disclosure of this claimed feature. However, this portion of the Fawcett patent merely discloses that automatic downloading and installation of computer software relieves the user from the burden of obtaining and installing computer software because, once a user purchases computer software, periodic calls to the update service will keep the user current and up-to-date. As seen from Figures 4A and 4B of the Fawcett patent, this automatic downloading and installation of computer software requires the user to non-automatically initiate the update function and to non-automatically choose the software to be downloaded. Indeed, the only features that are automatic is the inventory and output report functions. There is no disclosure in the Fawcett patent that anything is displayed even if a session is active.

Accordingly, dependent claims 13, 22, and 37 are not anticipated by the Fawcett patent.

Dependent claims 14 and 23 recite that the notice is an icon. The word "icon" is not even used in the Fawcett patent. Therefore, the Fawcett patent cannot disclose this aspect of the invention.

Accordingly, dependent claims 14 and 23 are not anticipated by the Fawcett patent.

Dependent claims 17, 30, 31, 41, and 42 are directed to the feature of electronically receiving at the user's computer the program code that is responsible for the automatic initiation of the receipt of content from a content provider.

Although the Examiner has not been specific in applying the Fawcett patent to the claims of the present application (e.g., the Examiner has not used reference numbers in the rejections), applicants assume that the Examiner interprets content as the new and updated software being downloaded to the user's computer 34 and interprets the program code that does the content receipt initiation as the user update application 50.

In this case, there is no disclosure in the Fawcett patent that the user update application 50 is electronically downloaded to the user computer 34.

Accordingly, dependent claims 17, 30, 31, 41, and 42 are not anticipated by the Fawcett patent.

Dependent claim 40 recites that third program code at the content provider determines whether the content recipient possesses the second program code that is responsible for the automatic initiation of the receipt of for content from a content provider and, if the content recipient does not possess the second program code, causes the second program code to be downloaded to the content recipient.

There is no disclosure in the Fawcett patent that the user's computer 34 determines whether it has the user update application 50 and electronically downloads the user update application 50 if it does not.

Accordingly, dependent claim 40 is not anticipated by the Fawcett patent.

On page 5 of the Office Action, the Examiner rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over the Fawcett patent in view of the Kenner patent.

Dependent claims 5, 27, and 35 recite that content is automatically downloaded from a content provider to a content recipient without identifying the content recipient to the content provider.

The Examiner recognizes that the Fawcett patent fails to disclose this feature and, therefore, relies on the Kenner patent. Specifically, the Examiner relies on the Summary and column 10 of the Kenner patent.

The summary of the Kenner patent discloses that computer software is automatically identified, acquired, and installed when a user desires to update the user's computer. The user's computer has a software updating tool that determines what software needs to be updated, sends the necessary user information to the software provider's server, receives the needed software, and installs the software. The software updating tool compares a list of the user's software with a list of available software upgrades and, based on this comparison, advises the user as to the availability of upgrades and new software which can be used to enhance the user's terminal. The user has the option to upgrade existing software or download new software based on user information that is input by the user and that is stored on the user's terminal.

As can be seen, there is no explicit disclosure in this Summary that the user is able to perform these functions without identifying the user to the software servers. Instead, the Summary suggests just the opposite

when the Summary states that software is downloaded based on user information. One skilled in the art will realize that this user information includes the user's identity because payment must be made for such upgrades and new software. Upgrades and new software are not given away.

Column 10 of the Kenner patent discloses that, (i) in a first scenario, the download process is completed after a single request and a single response, and it does not iterate, (ii) in a second scenario, a GET request identifies the desired codec and includes certain information about the user, (iii) in a third scenario, three GET requests are used, where the first GET request sends some basic user information, the second GET request is based on the response to the first GET request and further user information, and the third GET request is based on a response to the second GET request, (iv) in a fourth scenario, a POST request is first used to send user information to the server, and (v) in a fifth scenario, the user's terminal first sends the command "USER anonymous" to request an anonymous FTP (File Transfer Protocol) transaction.

However, the Kenner patent discloses in this same column that, in anonymous FTP transactions, the user's e-mail address is usually requested as the

password. Therefore, whatever the word "anonymous" means in the Kenner patent, it does not mean without identifying the user (content recipient) to the server (content provider).

Accordingly, because neither the Fawcett patent nor the Kenner patent discloses a process that supplies content from a content provider to a content recipient without identifying the content recipient to the content provider, dependent claims 5, 27, and 35 are not unpatentable over the Fawcett patent in view of the Kenner patent.

On pages 5-6 of the Office Action, the Examiner rejected claims 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over the Fawcett patent in view of the Slotznick patent.

Dependent claim 15, 24, and 38 recite that, upon an action related to the notice, the received content burns through a session so that the content is visible to a user. The Examiner recognizes that the Fawcett patent fails to disclose this feature and, therefore, relies on the Slotznick patent. Specifically, the Examiner relies on column 15, lines 1-45 of the Slotznick patent.

This portion of the Slotznick patent discloses that secondary information is downloaded into a "window" or "frame" which is a boxed off portion of the monitor screen, and the window or frame containing the secondary information is fully or partially hidden by the window or frame in which the primary information is being displayed until the window containing the secondary information is called, activated, or otherwise brought to the front.

Alternatively, the secondary information is downloaded into a window or frame that cannot contain all or any of the secondary information. The secondary information (or hidden portion of it) is stored in memory until the window or frame in which it is to be displayed is activated and enlarged.

In another alternative, the secondary information is downloaded into a window or frame that is not fully displayed. However, upon activation, the secondary information is transferred to an active window or frame.

As can be seen, there is no discussion of burn through in this portion of the Slotznick patent. This portion merely indicates that secondary information is hidden by an active session.

Accordingly, dependent claims 15, 24, and 38 are not unpatentable over the Fawcett patent in view of the Slotznick patent.

Dependent claims 16, 25, and 39 recite that, upon an action related to the notice, the received content is displayed in front of a session so that the posted content is visible to a user.

As can be seen from the above description of the Slotznick patent, there is no discussion of taking an action with respect to a notice in order to bring the secondary information into focus. Instead, the secondary information itself is activated in order to bring the secondary information into focus.

Accordingly, dependent claims 16, 25, and 39 are not unpatentable over the Fawcett patent in view of the Slotznick patent.

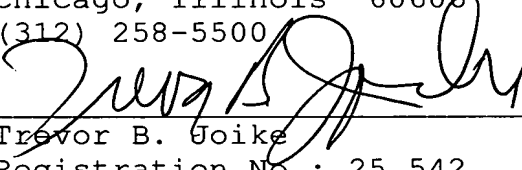
CONCLUSION

In view of the above, it is clear that the claims of the present application patentably distinguish over the art applied by the Examiner. Accordingly, allowance of these claims and issuance of the above captioned patent application are respectfully requested.

Respectfully submitted,

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